

Branded

Chicago.

IT IS NOT OFTEN that one gets to know in real life a character out of a novel, but for years now I've been corresponding with the hero of Franz Kafka's "The Trial," a man

By Garry Wills

who has suffered before an invisible tribunal for almost 40 years.

My acquaintance began, eight years ago, at a lunch with members of the Columbia School of Journalism. One of the school's professors told me that he had recently heard, from a scholar's work in old letters at the Library of Congress, how he was secretly branded a crypto-communist by Cold War liberals when he worked for *The New Republic* during the 1940s.

It was an interesting case of the McCarthyism that preceded Joseph McCarthy. The man, whose name is

Penn Kimball, was a liberal Democrat being smeared by other liberal Democrats. Mr. Kimball thought he would see what else was being said about his loyalty, and applied under the Freedom of Information Act for any files the FBI or the CIA might have opened on him.

As usual, it was a long and difficult process to pry material out of the FBI, but the results, when finally produced, were staggering. Not only was there a file on Mr. Kimball, but one on his wife - both of them full of false information, unsubstantiated allegations and mistaken connections. Yet this had been the basis for Mr. Kimball's rejection by the Foreign Service when he applied to it after serving in the Marines in World War II - and probably for his being passed over for a job in the Kennedy administration.

So far, the CIA has refused to release the main part of Mr. Kimball's file to him. His valuable 1983 book on his experience, "The File," had to be based mainly on FBI documents.

But Mr. Kimball, a persistent 70-year-old man of principle, has kept after the agency.

Last month, Senator Lowell Weicker (R, Conn.), using his congressional security clearance, read the CIA's file on Mr. Kimball, and said it falsely impugned the man's loyalty. He also said that there is no reason why the file could not, and should not, be released - along with an apology to Mr. Kimball for the injustices done to him over the years.

The very agency that collected and disseminated the false information has the right to decide whether to retain it - an absurd situation, as Senator Weicker points out. There should be an independent review board to decide disputed cases like Mr. Kimball's.

Mrs. Kimball, who was also wronged by the government agencies, is now dead, but Mr. Kimball, I am glad to say, is still alive and rightly kicking. It is time for *The Trial* to end.